Procedure for Registration of Labour Agency

1350. SHRI PYARELAL KHANDELWAL: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

what are the procedure/norms for registration of labour agency;

whether Government is considering to simplify the said procedure;

whether it is a fact that Government fails to check said agencies despite complaint for non-compliance of minimum wages etc; and

if so, the details thereof?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI OSCAR FERNANDES): (a) The work relating to registration of recruiting agencies which was earlier dealt with by the Ministry of Labour & Employment has since been transferred to Ministry of Overseas Indian Affairs *vide* Cabinet Secretariat's notification series No. 278 dated 15.12.2004. The existing procedure for registration of recruiting agents as intimated by Ministry of Overseas Indian Affairs is given in the enclosed Statement. *(See* below).

Ministry of Overseas Indian Affairs has intimated that amendment of the Emigration Act, 1983 is under their consideration.

and (d) As informed by Ministry of Overseas Indian Affairs, whenever complaints against the registered recruiting agents are received, action is taken against them under the provisions of the Emigration Act leading to suspension and cancellation of the registration certificates in serious cases.

Statement

Procedure for issue of Registration Certificate under the Emigration Act, 1983

As per Section 11 of the Emigration Act, 1983

(1) An application for registration shall be made to the registering authority in such form and shall contain such particulars as to the applicant's financial soundness, trustworthiness, premises at which he intends to carry on his business facilities at his disposal for, recruitment, his antecedents (including information as to whether any certificate has-been issued to him under this chapter earlier and if so, whether such certificate had been cancelled) and previous experience, if any, of recuriment and other relevant matters as may be prescribed and shall be accompanied by a receipt evidencing the payment of the prescribed fee and an affidavit giving his current financial standing and an undertaking in the form prescribed to the effect that in the even of any information furnished in or along with the application for registration being found to be false or incorrect in any respect, the certificate shall be liable to be cancelled at any time in accordance with the procedure prescribed:

Provided that no application shall be entertained under this sub-section from a person disqualified under sub-section (6) of Sec. 14 till the expiry of the period of such disqualification.

(2) On receipt of such application, the registering authority shall—

if the application is not in the prescribed form or does not contain any of the prescribed particulars, return the applicaton to the applicant.

if the application is in the prescribed form and contains the prescribed particulars. Inform the applicant that he is eligible for the grant of the certificate applied for and after giving the applicant an opportunity to be heard, determine, under sub-section (3) the amount of the security which the applicant shall furnish.

The registering authority shall, for securing the due performance of the terms and conditions of the certificate proposed to be issued by it under sub-section (2) to an applicant and for securing compliance with the provisions of the Act and the rules made there under and for meeting expenses which may have to be incurred in the even of the repatriation to India or any of the emigrants who may be recruited by the Applicant determine, in according in any case less than one lakh of rupees which shall be furnished by the applicant.

If an applicant furnishes in the prescribed manner, the amount of security determined udner sub-section (3) within a period of one month from the date on which the registering authority required him to furnish such security, he shall be issued the certificate applied for by him together with an emdorsement thereon to the effect that the security required has been furnished by him.

If an applicant fails to furnish the security required to be furnished by him within the period specified in sub-section (4) his application shall be deemed to have been rejected by the registering authority on the date of expiry of that period.

Further, under the provisions of Section 38 of the Emigration Act, The Central Government has issued directions that the Protector General of Emigrants shall not issue Registraton certificate under Section 11 of the Emigration Act, 1983, without satisfying himself that the applicant is capable of due discharge of his duties under the Act, upon personal hearing and consideration of such other material as he deems relevant. In pursuance of this, the Protector General of Emigrants takes personal interview of the applicant to assess the suitability of the applicant for registration as a recruiting agent.

Minimum wages to Urban *vis-a-vis* rural civil workers

1351. SHRI PRAVEEN RASHTRAPAL: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

the details of minimum wages paid to urban civil workers, State-wise;

the similar details for rural areas, State-wise;

when was the last revision carried out;

what is the difference in between State Minimum Wages and CPWD wages; and

how many cases were filed for violations by employers, Public Sector Corporations etc., during 2004-05, 2005-06 and 2006-07?